

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUSTIN PIMSNER et al.,

Plaintiffs,

v.

No. 03-CV-1373
(TJM/DRH)

NEXEN TIRE CORPORATION et al.,

Defendants.

**DAVID R. HOMER
U.S. MAGISTRATE JUDGE**

ORDER

A discovery conference was held in the above captioned case on April 14, 2005 with counsel for all parties. As decided during that conference and for the reasons stated at that time, it is hereby

ORDERED that:

1. On or before **April 22, 2005**, defendants shall provide plaintiffs with the names, addresses, and birth dates of the six individuals whom defendants have determined worked in or around the "Creel Room" during January 2000 and are no longer employed by defendants;
2. The depositions of the employee of defendants who may have worked in or around the "Creel Room" during January 2000, which were compelled in this Court's order filed December 29, 2004 (Docket No. 32), shall now take place on or before **April 30, 2005** in Korea at the location of such employees' employment with defendants to reimburse plaintiffs for the costs of such deposition, such costs to include but not be limited to the reasonable expenses incurred by plaintiffs for the travel, lodging, meals, and incidental


expenses incurred in traveling to Korea for two attorneys, an interpreter, and a stenographer with such reimbursement to be made to plaintiffs within thirty days of receipt of an itemized bill of costs;

3. At the option of plaintiffs, defendants shall (a) immediately make available for inspection by plaintiffs the "exemplar tires" currently in the custody of defendants' accident reconstruction expert witness, or (b) ship such exemplar tires to plaintiffs' counsel for inspection on or before **May 2, 2005** with the cost of such shipping to be reimbursed to defendants by plaintiffs within thirty days of receipt of an itemized bill of costs; and

4. On or before **April 30, 2005**, plaintiffs shall (a) make available for deposition concerning plaintiff Justin Pimsner's claim of impotence the medical care provider who diagnosed or treated such condition, with the deposition limited to matters related to such claim of impotence, and (b) make plaintiff Justin Pimsner available for an independent medical examination by defendants' designated expert witness concerning such claim of impotence.

IT IS SO ORDERED.

DATED: April 14, 2005
Albany, New York


United States Magistrate Judge